

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	19732YPCA
First Inventor or Application Identifier	
Donnelly, John J. et al.	
Title	SYNTHETIC HEPATITIS C GENES
Express Mail Label No.	EV323152815US



APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing)	6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
2. <input checked="" type="checkbox"/> Specification [Total Pages 26]	a. <input checked="" type="checkbox"/> Computer Readable Form (CRF)
3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 22]	b. <input checked="" type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> paper
4. Oath or Declaration	c. <input checked="" type="checkbox"/> Statements verifying identity of above copies
a. <input type="checkbox"/> Newly executed (original or copy)	7. <input type="checkbox"/> Assignment papers (cover sheet & document(s))
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 14 completed)	8. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney
i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).	9. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
5. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	10. <input checked="" type="checkbox"/> Preliminary Amendment
	11. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
	12. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
	13. <input type="checkbox"/> Other: <u>Continuation Rule 53(b) Form</u>

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No. 09 /194,949

Prior application information: Examine. Wortman, Donna C. Group/Art Unit: 1648

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

15. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	Customer No. 000210			
NAME	Sheldon O. Heber			
ADDRESS	Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30			
CITY	Rahway	STATE	NJ	ZIP CODE
COUNTRY	USA	TELEPHONE	732-594-1958	FAX

Name	Sheldon O. Heber	Registration No. (Attorney/Agent)	38,179
Signature			Date

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT September 17, 2003

EXPRESS MAIL NO. EV323152815US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

MAILED BY

DATE September 17, 2003

10/664391 09/17/03
FAX 323152815US
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents,
P.O. Box 1450
Alexandria, Virginia 22313-1450

Prior Application:	Examiner	Wortman, Donna C.
	Art Unit	1648

Sir: This is a request for filing a Continuation Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 09/194,949 filed on

February 17, 2000 of John J. Donnelly; Margaret A. Liu; John W. Shiver; Tong-Ming Fu
(DATE) (INVENTOR)

for SYNTHETIC HEPATITIS C GENES

(TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 09/194,949, as filed on

February 17, 2000. The entire disclosure of this prior application is hereby incorporated by reference.

2. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total Claims	20	-	20	0
Independent Claims	1	-	3	0
*Multiple Dependent Claims				\$280
Basic Fee (minimum amount required)				\$750

* Add this fee if application contains any multiple dependent claims, regardless of number.

Total Fee

3. The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. Amend the specification by inserting before the first line the sentence:
-- This is a continuation, division of application Serial No. _____, filed _____.

5. Cancel in this application original claims: _____.

6. Preliminary amendment enclosed.

7. Information Disclosure Statement/PTO-1449 enclosed.

8a. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

8b. New formal drawings are enclosed.

9a. Priority of application Serial No. _____, filed _____, in _____ is claimed under 35 U.S.C. 119.
(COUNTRY)

9b. The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.

10. The prior application is assigned to Merck & Co., Inc., Rahway, New Jersey 07065.

11. The undersigned attorney or agent has:

- Power in the prior application as originally filed.
- Associate power, copy enclosed.

Respectfully,

By: Sheldon O. Heber

Attorney _____ for Applicant(s)

Registration No. 38,179

Telephone: (732) 594-1958

Address: Merck & Co., Inc.
Patent Department
P.O. Box 2000 - RY60-30
Rahway, N.J. 07065-0907

Date: September 17, 2003

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MAILED BY *John Schepisi* DATE 09/17/2003